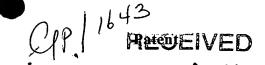
## Express Mail No. EL264463307US



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**TECH CENTER 1600/2900** 

In re application of:

Donald D. MONTGOMERY

Application No. 09/226,088

Filed: January 5, 1999

For:

**GETTERING DEVICE FOR ION** 

CAPTURE

Art Unit: 1643 Examiner: Unassigned

Attorney's Docket NECHNOSON CENTER 2800

## **Information Disclosure Statement**

**Assistant Commissioner for Patents** Washington, D.C. 20231

SEP 0 1 1999

RECL. JUL 28 1777 TECH CENTER 1600/2900

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be RECEIVED enabling for the teachings purportedly  $\rho_{IJQ}$  and  $\rho_{IJQ}$   $\rho_{IJQ}$ 

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This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith. It is further understood that the Examiner will consider information that had been cited by or submitted to the U.S. Patent and Trademark Office in a prior application relied on under 35 U.S.C. § 120. 1138 OG 37, 38 (May 19, 1992).

Applicants have checked the appropriate boxes below.

- ☑ 1. This Information Disclosure Statement is being filed within three months of
  the U.S. filing date OR before the mailing date of a first Office Action
  on the merits. No statement under 37 C.F.R. § 1.97(e) or fee is
  required.
- □ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection or Notice of Allowance.
  - □ a. I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
  - □ b. I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, no item of information contained in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

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	□ c. Attached is our Check No in the amount of \$ in
•	payment of the fee under 37 C.F.R. § 1.17(p).
□ 3.	This Information Disclosure Statement is being filed more than three months
	after the U.S. filing date and after the mailing date of a Final Rejection
	or Notice of Allowance, but before payment of the Issue Fee. It is
	hereby requested that the Information Disclosure Statement be
	considered. Attached is our Check No in the amount of \$
	in payment of the fee under 37 C.F.R. § 1.17(i).
	□ a. I hereby state that each item of information contained in this
	Information Disclosure Statement was cited in a
	communication from a foreign patent office in a counterpart
	foreign application not more than three months prior to the
	filing of this Information Disclosure Statement. 37 C.F.R.
	§ 1.97(e)(1).
	□ b. I hereby state that no item of information in this Information
	Disclosure Statement was cited in a communication from a
	foreign patent office in a counterpart foreign application, and,
	to my knowledge after making reasonable inquiry, no item of
	information contained in this Information Disclosure Statement
	was known to any individual designated in 37 C.F.R. § 1.56(c)
	more than three months prior to the filing of this Information
	Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
<b>4</b> .	Relevance of the non-English language document(s) is discussed in the present
	specification.
<b>□</b> 5.	The document(s) was/were cited in a corresponding foreign application. An
	English language version of the foreign search report is attached for
	the Examiner's information.
<b>□</b> 6.	A concise explanation of the relevance of the non-English language
	document(s) appears below:
<b>□</b> 7.	The Examiner's attention is directed to co-pending U.S. Patent Application
	No, filed, which is directed to related technical
	subject matter. The identification of this U.S. Patent Application is not
	to be construed as a waiver of secrecy as to that application now or

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upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination.

□ 8. Copies of the documents were cited by or submitted to the Office in Application No. \_\_\_\_\_\_, filed \_\_\_\_\_\_, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and to indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 08-3038.

Respectfully submitted,

Albert P. Halluin (Reg. No.25,227)

Date: July 23, 1999

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